

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Gena Beatty,)	C/A No.: 1:15-1889-MGL-SVH
)	
Plaintiff,)	
)	
vs.)	
)	
Dr. B. Lewis (Leath); Dr. S. Rafi)	REPORT AND RECOMMENDATION
(Camille); Warden A. Rawski (Leath);)	
Warden J. Anderson (Camille); Nurse)	
Donna Hawthorne (Leath); Nurse Anna)	
Marie Moak (Camille); and Nurse Jane)	
Doe Norman,)	
)	
Defendants.)	
)	

Plaintiff, proceeding pro se and in forma pauperis, brought this action alleging violations of her constitutional rights pursuant to 42 U.S.C. § 1983. Plaintiff sues the following medical staff at Leath Correctional Institution and Camille Graham Correctional Institution: Dr. B. Lewis; Dr. S. Rafi; Warden A. Rawski; Warden J. Anderson; Nurse Donna Hawthorne; Nurse Anna Marie Moak; and Nurse Jane Doe Norman (collectively “Defendants”). [ECF No. 1]. Defendants filed a motion for summary judgment on February 8, 2016. [ECF No. 35]. As Plaintiff is proceeding pro se, the court entered an order pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), advising her of the importance of the motion and of the need for her to file an adequate response. [ECF Nos. 36]. Plaintiff was specifically advised that if she failed to respond adequately, Defendants’ motion may be granted. *Id.* On March 16, 2016, the undersigned extended Plaintiff’s deadline, granting her until May 13, 2016, to respond to Defendants’ motion. [ECF Nos. 39]. The undersigned’s order also stated “No further

extensions will be granted as the parties have had ample time for briefing and further extensions will interfere with the court's internal reporting deadlines." *Id.*

Notwithstanding the specific warnings and instructions set forth in the court's *Roseboro* order, Plaintiff failed to respond to the motion. On May 16, 2016, Plaintiff filed a motion requesting a sixty-day extension. [ECF No. 42]. The undersigned denied Plaintiff's motion and stated:

Plaintiff was previously advised that no further extensions will be granted. Plaintiff is directed to file a response to Defendants' motion for summary judgment by May 27, 2016. Plaintiff is further advised that if she fails to respond, this action will be recommended for dismissal with prejudice for failure to prosecute. *See Davis v. Williams*, 588 F.2d 69, 70 (4th Cir. 1978); Fed. R. Civ. P. 41(b).

[ECF No. 43]. Plaintiff has filed no response. As such, it appears to the court that she does not oppose the motion and wishes to abandon this action. Based on the foregoing, the undersigned recommends this action be dismissed with prejudice for failure to prosecute. *See Davis v. Williams*, 588 F.2d 69, 70 (4th Cir. 1978); Fed. R. Civ. P. 41(b).

IT IS SO RECOMMENDED.



June 1, 2016
Columbia, South Carolina

Shiva V. Hodges
United States Magistrate Judge

**The parties are directed to note the important information in the attached
"Notice of Right to File Objections to Report and Recommendation."**

Notice of Right to File Objections to Report and Recommendation

The parties are advised that they may file specific written objections to this Report and Recommendation with the District Judge. Objections must specifically identify the portions of the Report and Recommendation to which objections are made and the basis for such objections. “[I]n the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

Specific written objections must be filed within fourteen (14) days of the date of service of this Report and Recommendation. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); *see* Fed. R. Civ. P. 6(a), (d). Filing by mail pursuant to Federal Rule of Civil Procedure 5 may be accomplished by mailing objections to:

Robin L. Blume, Clerk
United States District Court
901 Richland Street
Columbia, South Carolina 29201

Failure to timely file specific written objections to this Report and Recommendation will result in waiver of the right to appeal from a judgment of the District Court based upon such Recommendation. 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140 (1985); *Wright v. Collins*, 766 F.2d 841 (4th Cir. 1985); *United States v. Schronce*, 727 F.2d 91 (4th Cir. 1984).